

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

UNITED STATES OF AMERICA

v.

NORBERTO CANTU

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Criminal No. M-16-1589

**GOVERNMENT'S APPEAL TO THE DISTRICT COURT OF THE MAGISTRATE'S
ORDER OF RELEASE AND MOTION FOR A STAY
OF THE MAGISTRATE'S ORDER OF RELEASE**

COMES NOW the United States of America, hereinafter referred to as "the Government," by and through its United States Attorney and Assistant United States Attorney assigned to this matter, and files this appeal of the Magistrate's Order of Release, Stay of the Magistrate's Order of Release and Request for an Order of Detention.

I.

Statement of the Case

The defendant is charged in the instant indictment with Conspiracy to Possess with Intent Distribute over 5 kilograms or more of cocaine, 50 grams or more of methamphetamine, and 100 kilograms or more of marijuana. He is also charged in a conspiracy to launder money. At the detention hearing, Special Agent Picone testified that the defendant has been identified as a driver/ deliverer for the organization. In April of 2016, there was a discussion of from 7 to 10 kilograms of cocaine traveling north. At a meeting surveilled by agents, a white Dodge challenger with red racing strips was observed at a meeting with one of the leaders of the organization. This same vehicle traveled north, but was intercepted by DPS on its southbound return trip. Norberto Cantu was identified

as the driver of the vehicle. There was \$9,000 in a center console of the vehicle. There was also a hidden compartment in the vehicle. In subsequent statements made by co-conspirators after their arrest Norberto Cantu has been identified as a driver for the organization, and he has also been linked to the delivery of approximately six kilograms of cocaine that was seized in Tennessee on April 27, 2016. At the detention hearing, Juan Cantu, father of Norberto Cantu testified. Mr. Cantu's testimony was not consistent with the information provided by Norberto Cantu to pretrial services. Specifically, Norberto Cantu had listed his home address as his father's address, and indicated that he and his wife had been living there for a couple of years. His father testified that while they had lived with him during the early years of their marriage, his son and his common law wife had not lived with him for a couple of years. He did not have a physical address for them, though it appeared that they may have been living with Norberto Cantu's father-in-law. He did testify that his son had come home a few days before his arrest, because he was separating from his wife, but later they apparently reconciled. He also testified that his son did not work with him, and had not worked with him for several months. He indicated that he may have been working with his (Norberto Cantu's) father in law but was very vague about what the father in law did for work. Norberto Cantu claimed to be working for his father at the time of his arrest. Mr. Juan Cantu had no knowledge of the white Dodge challenger with white racing stripes that his son had been interdicted driving. He did testify that his son drove a 2014 Mercedes. Mr. Cantu indicated that the car cost \$62,000, but that he had signed for it because his son had no credit. He went on to testify that he made the payments because his son had no money. He also testified that while he

advised his son that the authorities wanted to talk to him, he did not advise him that there was an arrest warrant because he did not really understand why the authorities wanted to speak to his son. (Norberto Cantu turned himself in to the Marshal's Service.) The Magistrate set bond at \$75,000 with \$1,000 down, but with significant co-sureties, and home confinement with the requirement of GPS monitoring.

II.
Analysis

Troubling to the Government is Norberto Cantu's misrepresentations as to both his living and working situation to pre-trial services. At this point, it is not clear where Mr. Cantu is living or where he is working though it is apparently through some nebulous father-in-law. The organization that Mr. Cantu has aligned himself with is extensive, distributing significant quantities of cocaine, methamphetamine and marijuana throughout the United States. The evidence against this defendant is strong. The government believes that there are no conditions or combinations of conditions that will assure the safety of the community and the appearance of the defendant at trial.

Wherefore, the government respectfully requests that the District Court Stay the Magistrate's Order of Release and enter an Order of Detention.

Respectfully submitted,

KENNETH MAGIDSON
UNITED STATES ATTORNEY
FOR THE SOUTHERN DISTRICT OF TEXAS
/s/ Patricia Cook Profit
Patricia Cook Profit
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of November 2016 a copy of the foregoing was emailed to Oscar Alvarez, the attorney of record for the defendant in this case.

/s/ Patricia Cook Profit

Patricia Cook Profit

Assistant United States Attorney